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Office of Legislative Counsel

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31 AUG 1978

Honorable George McGovern, Chairman
Subcommittee on International Operations
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Your letter of 17 August dealt with a number of matters relating to the Central Intelligence Agency's cooperation with the Subcommittee on International Operations' investigation of foreign intelligence activities in the United States. As you and members of the Subcommittee staff know, the Agency is by statute specifically denied any police, law enforcement, or internal security functions (Section 102 (d)(3), National Security Act of 1947 as amended). The specific question of foreign intelligence service harassment, intimidation, and surveillance of residents of the United States is particularly the province of other Government departments.

In an effort to be as cooperative as possible with the Subcommittee's investigation, we provided staff members Michael Glennon and John Ritch with a series of briefings on the organization and operation of the intelligence services of the five nations mentioned in your letter. These sessions included whatever limited information we have developed on the activities of those intelligence services in the U.S. Messrs. Glennon and Ritch had the opportunity to question the briefers and to take notes throughout the sessions.

"Re-interviews" of all the individuals who briefed the staff would be impractical since several of the briefers have recently departed for assignments overseas. My impression is that the request for "re-interviews" stems from a desire on the part of Messrs. Glennon and Ritch to make certain that they have understood any points that were made about foreign intelligence service activities in the U.S. during the briefings. As an alternative to time-consuming on-the-record sessions that would produce no new substantive information about the Subcommittee's specific concerns, may I suggest that Messrs. Glennon and Ritch allow us to clarify in writing any specific points about which they feel uncertain. We would also hope to have the opportunity to ensure the accuracy of those portions of any Subcommittee staff report which are based on oral interviews with Agency personnel. We regularly perform these kinds of services for Congressional groups whose responsibilities result in access to Agency material.

We can recall only the latter two of the three requests referred to in the second paragraph of your letter as having been made to us orally on 4 August. We interpret the first request to mean summaries of any information on U.S. residents relevant to the Subcommittee's investigation that has been passed by the Central Intelligence Agency to the intelligence services of the listed countries, and we are now attempting to determine the extent to which such information is retrievable. I should point out that any such information probably originated with other agencies, and this would necessitate consultation with the originators in accordance with the understanding on the third agency rule worked out at the 3 August Senate/House Conference on the FY 1979 Foreign Relations Authorization Act. The second request is for a legal memorandum; this is now being prepared. Regarding the third request, for copies of two documents: the Subcommittee staff is welcome to review this material again at its convenience and to take additional notes on it. The documents must remain on CIA premises, however, in accordance with Section 5 of your Memorandum of Understanding with the DCI.

It is our usual procedure to keep committees or subcommittees apprised of relevant new information developed by the Agency during the course of a Congressional investigation, and this service will certainly be extended to the Subcommittee on International Operations.

Sincerely,

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[Redacted]
Legislative Counsel

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